IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 10531 of 2004

Between:

K.Chinnayya, S/o Late Nookayya,
R/o Kajavarapupadu Village, Gangavaram Mandal,
East Godavari District.

..... PETITIONER

AND

1 The Addl.Agent to the Govt. Rampachodavaram, East Godavari District.
2 The Special Deputy Collector (Tribal Welfare), Rampachodavaram, East Godavari District.
3 The Mandal Revenue Officer, Gangavaram mandal, East Godavari District.
4 Chavalam Bapanamma, W/o Gopala Swamy,
R/o B.Ramannapalem (V), Rampachodavaram (M), East Godavari District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate Writ or Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in evicting the petitioner from the land to an extent of Ac.6.02 Cents in Sy.No.8 of Kamavarapupadu (V), Gangavaram (M), East Godavari District in pursuance of the order of the 2nd respondent in L.T.R.P.No.88/2003, dated 10-2-2004 as illegal, arbitrary and unjust and consequently direct the respondents not to dispossess the petitioner from the above said land pending disposal of the appeal preferred before the 1st respondent in the interest of justice.

Counsel for the Petitioner:MR.K.VENKATESH

Counsel for the Respondents 1 to 3: Government Pleader for SOCIAL WELFARE

Counsel for the Respondent No.4 :

The Court made the following Order:

This writ petition is filed by the petitioner aggrieved by the action of the first respondent in not passing any orders either in the appeal or in the stay petition. The appeal was filed by the petitioner on 26-05-2004 before the first respondent against the order of the second respondent in LTRP.No.88 of 2003, dated
10-02-2004.

According to the petitioner, his father was owner and possessor of the lands to an extent of Acs.6-02Cents situated in Survey No.8 of Kamavarapupadu Village, Gangavaram Mandal, East Godavari District. However, the second respondent initiated Land Transfer Regulation proceedings against his father at the instance of the fourth respondent. Thereafter, passed the impugned order of eviction treating that the petitioner's father was not entitled to be in possession of the said extent of the land. Aggrieved by that, the petitioner filed an appeal before the first respondent as his father died during the pendency of the proceedings before the second respondent. Along with the appeal, the petitioner has also filed a petition for grant of stay of eviction. But, however, the first respondent did not pass any orders so far and, therefore, the petitioner has come up before this Court with the present writ petition.

Heard the learned Counsel for the petitioner and the learned Government Pleader for Social Welfare.

According to the petitioner, his father was the owner and possessor of Acs.6-02Cents in Survey No.8 of Kamavarapupadu Village. It is also an

admitted fact that the second respondent initiated proceedings against his father under the provisions of the Land Transfer Regulations at the instance of the fourth respondent and finally, an order of eviction was passed on 10-02-2004. Against which, the petitioner filed an appeal before the first respondent and the same is pending. The grievance of the petitioner is that in pending appeal, as the first respondent did not pass any order of stay, the other respondents initiated proceedings to evict the petitioner in pursuance of the order of the second respondent. Hence, the appeal filed by the petitioner is still pending before the first respondent, the first respondent is directed to dispose of the appeal itself expeditiously, preferably within a period of three months from the date of receipt of a copy of this order.

Pending disposal of the appeal, status quo as on today with reference to the possession of the land of Acs 6-02 cents in Survey No.8 situated at Kamavarapupadu Village shall be maintained.

The writ petition is accordingly disposed of. No order as to costs.

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(S.ANANDA REDDY, J)

25th JUNE, 2004.

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To

1. The Addl.Agent to the Govt. Rampachodavaram, East Godavari District.
2. The Special Deputy Collector (Tribal Welfare), Rampachodavaram, East Godavari District.

3. The Mandal Revenue Officer, Gangavaram mandal, East Godavari District.
4. Two CCs to the Government Pleader for Social Welfare, High Court Buildings, A.P., Hyderabad. (OUT).
5. Two CCs.